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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,524	09/28/2004	Tuomo Kivisto	6009-4714	7838
Israel Blum 7590 Morgan & Finnegan, 3 World Financial Center New York, NY 10281-2101			EXAMINER BELL, BRUCE F	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 10/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,524

Applicant(s)

KIVISTO ET AL.

Examiner

Bruce F. Bell

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al (6231730).

Davis et al disclose a cathode frame for receiving and retaining a cathode plate that is constructed as an integrally formed frame body having a base member and side members which provide a continuous channel there through for retaining the peripheral edge of a cathode plate, and is further structured with a cross frame extending between the side members for receiving a cathode plate there through. The cross frame is integrally formed with the side members and base member and the cathode frame is configured to retain a filter media there against. See abstract. Handles provide a means for supporting the frame along the sides of an electrolytic tank or on some structure associated with the tank sides for that purpose. The integral construction of the handles as a part of the cathode frame enable the frame to be raised by the handles without having the handles warp or separate from the side members to which they are formed. See col. 3, lines 14-28. A channel is formed along the inside edge of the two side members and base member of the cathode frame and is continuous about the inside edge of the cathode frame and is constructed to center the cathode plate in the cathode

frame. See col. 3, lines 52-58. The cathode frame is manufactured from an electrically insulating material such as that of plastic. And glass reinforcement may be provided in the mixture of the plastic material to impart strength. See col. 4, lines 26-31.

The prior art of Davis et al anticipates the applicants instant claims as instantly presented. The recitation in the instant claims with respect to grip lugs appears to be inherent in the handles provided for in the Davis et al patent as these handles are there to transfer and support the cathode plate and frame in an electrolytic cell. The handles shown in the Davis et al figures inherently shows that the handles have a slight incline due to the curvature in the handles and that the entire cathode frame appears to inherently be the distribution element that supports the cathode plate when inserted within the groove of the cathode frame. Therefore, the prior art of Davis et al anticipates the applicants instant claims as set forth.

Allowable Subject Matter

3. Claims 5 and 6 are allowable over the prior art of record.
4. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach and/or suggest a transfer and insulation portions of single piece construction wherein the suspension rod of the electrode is fastened by a fastening point to an insulation portion, so that such portion at least partly surrounds the suspension rod that passes through the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BFB
September 30, 2008

/Bruce F. Bell/
Primary Examiner, Art Unit 1795